

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

DATACLOUD TECHNOLOGIES, LLC,

Plaintiff,

v.

SQUARESPACE, INC.,

Defendant.

CIVIL ACTION NO. 1:21-cv-00164-LPS

Chief Judge Leonard P. Stark

DATACLOUD TECHNOLOGIES, LLC.’S OPPOSITION TO
DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS
[D.I. 16]

Plaintiff DATACLOUD TECHNOLOGIES, LLC (hereinafter, “DataCloud”) hereby opposes the “Defendant’s Motion For Judgment On The Pleadings” (D.I. 16, brief in support at D.I. 17) filed on May 19, 2021 by Defendant SQUARESPACE, INC., (hereinafter, “Squarespace” or “Defendant”) under Fed. R. Civ. Proc. 12(c) (hereinafter, the “Motion”), because it has become moot with the filing of DataCloud’s First Amended Complaint (D.I. 21).

Under Third Circuit law, an amended complaint supersedes the original complaint filed, rendering it a nullity. *See West Run Student Housing Assocs., LLC v. Huntington Nat’l Bank*, 712 F.3d 165, 171 (3d Cir. 2013) (amended complaint generally moots motion to dismiss); *Snyder v. Pascack Valley Hosp.*, 303 F.3d 271, 276 (3d Cir. 2002) (“An amended complaint supercedes the original version in providing the blueprint for the future course of the lawsuit.”); *see also Calloway v. Green Tree Servicing, LLC*, 599 F.Supp.2d 543, 546 (D. Del. 2009) (denying motion to dismiss as moot because it was directed to superseded complaint).

Therefore, DataCloud requests that Defendant’s Motion (D.I. 16) be denied as moot.

Dated: June 11, 2021

Respectfully submitted,

Stamoulis & Weinblatt, LLC

/s/ Stamatios Stamoulis

Stamatios Stamoulis (#4606)

Richard C. Weinblatt (#5080)

800 N. West Street Third Floor

Wilmington, Delaware 19801

Telephone: (302) 999-1540

Email: stamoulis@swdelaw.com

Email: weinblatt@swdelaw.com

James F. McDonough, III (Bar No. 117088, GA)*

Jonathan R. Miller (Bar No. 507179, GA)*

Travis E. Lynch (Bar No. 162373, GA)*

HENINGER GARRISON DAVIS, LLC

3621 Vinings Slope, Suite 4320

Atlanta, Georgia 30339

Telephone: (404) 996-0869, -0863, -0867

Facsimile: (205) 547-5502, -5506, -5515

Email: jmcdonough@hgdllawfirm.com

Email: jmiller@hgdllawfirm.com

Email: tlynch@hgdllawfirm.com

Attorneys for Plaintiff DataCloud Technologies, LLC

* admitted *pro hac vice*

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the above documents with the Clerk of Court using CM/ECF which will send electronic notification of such filings to all registered counsel.

Date: June 11, 2021

/s/ Stamatios Stamoulis
Stamatios Stamoulis #4606